IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ICONTROL NETWORKS, INC., a Delaware corporation, **Plaintiff,** **v.** **ZONOFF INC., a Delaware corporation,** **Defendant.**	**CIVIL ACTION** **NO. 1:14-CV-1199-GMS**

DEFENDANT ZONOFF INC.'S SUPPLEMENTAL
CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

Pursuant to Paragraph 2 of the parties' January 7, 2016 stipulation [D.I. 74], so ordered by the Court on January 8, 2016 [D.I. 75], Defendant Zonoff Inc. ("Zonoff") submits this Supplemental Claim Construction Brief. In addition to the terms discussed in Zonoff's Opening Claim Construction Brief [D.I. 80], the parties dispute the meaning of an additional claim term and respectfully request the Court's assistance in claim construction.

II. LEGAL STANDARD

Zonoff has previously summarized the proper legal standard for claim construction in its Opening Claim Construction Brief and hereby incorporates that section by reference. (*See* D.I. 80 at 1-4.) Zonoff additionally notes that for means-plus-function claim terms, "the court must, as part of claim construction, determine the function and the corresponding structure, ***or lack thereof***, as a matter of law." *Blackboard, Inc. v. Desire2Learn, Inc.*, No. 9:06-CV-155, 2007 WL 2255227, at *8 (E.D. Tex. Aug. 3, 2007) aff'd, 574 F.3d 1371, 1383–85 (Fed. Cir. 2009) (citing *Biomedino, LLC v. Waters Techs. Corp.*, 490 F.3d 946, 948-49 (Fed. Cir. 2007)) (emphasis added).

III. DISPUTED TERM FOR CONSTRUCTION

A. U.S. Patent No. 8,478,871

Term 1. "logic that [1] sends via the remote network a request to a gateway registry, the request specifying a serial number of the gateway device, [2] receives an address of a gateway server that has an account associated with the gateway device and an identification of the account, [3] sends to the gateway server the identification of the account, and [4] manages the set of local management devices using account information received in response to the identification"

Claim(s)	Icontrol's Proposed Construction	Zonoff's Proposed Construction
1	This is a means plus function term	This is a means plus function term
	Function: Plain and ordinary meaning	*Function:* Plain and ordinary meaning

Claim(s)	Icontrol's Proposed Construction	Zonoff's Proposed Construction
	Structure: Logic 816; Col. 8 Li. 45-56	*Structure:* Not supported in the specification

The parties agree that this term invokes 35 U.S.C. § 112, ¶ 6 and that the function needs no construction, but they dispute whether the specification identifies structure for the entire function. (*See* D.I. 76 at Ex. 1.)

First, Zonoff maintains that the specification discloses no structure that is clearly linked to the performance of each recited function. *See MobileMedia Ideas LLC v. Apple Inc.*, 780 F.3d 1159, 1169 (Fed. Cir. 2015) ("[S]tructure disclosed in the specification is 'corresponding' structure only if the specification or prosecution history clearly links or associates that structure to the function recited in the claim."). Indeed, the structure that Icontrol identifies does not correspond to the "[3] sends . . ." or "[4] manages . . ." functions.

Icontrol has identified "Col. 8, Li. 45-56" as part of the claimed structure. This passage in the specification is reproduced below:

> Although not shown, the gateway device 802 of the embodiment of FIG. 8 comprises logic that, upon initialization of the gateway uses the address of the gateway registry to communicate with the gateway registry, sends a request to the gateway registry specifying the serial number of the gateway, receives a response with an address of the server upon which an account associated with the gateway is stored, and receives a response with an identification of an account for managing the location associated with the gateway; and logic that communicates with the server upon which the account associated with the gateway is stored by using the identification and authentication information derived based on the key.

'871 patent, 8:45-56. This passage, however, fails to link any structure to "send[ing] ***to the gateway server*** the ***identification of the account***," nor does it link any structure to "***manag[ing]*** the set of local management devices ***using account information received in response to the identification.***"

Icontrol also identified "logic 816" as further corresponding structure, but the only time the specification mentions "logic 816," it states: "gateway device 802 comprises logic 816 for managing which, for non-limiting example, can include monitoring and controlling, a set of local management devices 838 connected to a local network located at the location." *Id.* at 8:24-28. This passage also fails to link "***manag[ing]*** the set of local management devices ***using account information received in response to the identification***" to any structure, nor does it even mention "send[ing] . . . ."

Second, Icontrol's proposed structure does not describe ***how*** each claimed function is achieved. *See Blackboard, Inc. v. Desire2Learn Inc.*, 574 F. 3d 1371, 1383 (Fed. Cir. 2013) (affirming the finding of a lack of structure where "[t]he specification contains no description of the structure or the process that the access control manager uses to perform the 'assigning' function" and noting that "how it does so is left undisclosed"). For example, the specification fails to disclose at least how the logic in claim 1 "manages the set of local management devices using account information received in response to the identification" as the claim language requires. *See Noah Sys. Inc. v. Intuit Inc.*, 675 F.3d 1302, 1313-14 (Fed. Cir. 2012) (where means-plus-function term recited more than one function, requiring corresponding structure to address ***all*** functions recited). The "structure" Icontrol has identified at col. 8, ll. 45-56 at most describes some logic that performs some of the elements of the claimed function; it is silent regarding the functional element of managing the set of local management devices.

The specification's sole reference to "logic 816" at col. 8 ll. 24-28 is also just a description of the ***function*** of managing; it fails to describe any structure. *See Default Proof Credit Card Sys., Inc. v. Home Depot U.S.A., Inc. (d/b/a The Home Depot*), 412 F.3d 1291, 1299-1302 (Fed. Cir. 2005) (requiring that the specification ***describe*** how any parts of the

structure perform the function). The specification further describes "816" as "conceptual placeholders" which may "store the settings, software, logic, and hardware for controlling and managing the actual devices which are external to the gateway at the location." *Id.* at 8:63-67. But this disclosure similarly describes little more than some functionality performed by non-specific structures.

Other portions of the specification offer no further explanation for the structure for performing the managing function. For example, the specification states:

> In some embodiments, the logic for managing the set of local management devices comprises ***automation logic that initiates actions with respect to the local management devices upon certain conditions***. In some embodiments, the automation logic is ***configured based on account information received from the gateway server***. In some embodiments, the logic for managing the set of local management devices ***takes actions depending on a mode***.

'871 patent, 15:63-16:3 (emphasis added).

However, modifying the claim term "logic" with the word "automation" does not describe how the structure of the logic performs the function. Stating that the logic "initiates actions with respect to the local management devices upon certain conditions" and "takes actions depending on mode" also at best describes a function, not the required structure. And noting that the automation logic "is configured based on account information received from the gateway server" merely recites the functional limitation of the claim term itself. *See* '871 patent, claim 1 ("logic that . . . manages the set of local management devices using account information received in response to the identification"). The Federal Circuit has cautioned that language in the specification which is itself functional—*i.e.*, stating what is accomplished, but not how—cannot be used to support a means-plus-function claim. *Noah Sys. Inc.*, 675 F.3d at 1317. Here, the '871 specification only includes examples of ***what*** "manages" means, not ***how*** such management is performed. *See id.*

In short, the specification fails to describe any structure that corresponds to the "sends . . ." and "manages . . ." functions. It also fails to describe how any structure performs the "manages" function. For at least these reasons, the structure for this claim term is not supported in the specification. *See Atmel Corp. v. Info. Storage Devices, Inc.*, 198 F.3d 1374, 1381–82 (Fed. Cir. 1999) ("Fulfillment of the § 112, ¶ 6 tradeoff cannot be satisfied when there is a total omission of structure. There must be structure in the specification.").

IV. CONCLUSION

For the foregoing reasons, Zonoff respectfully asks that this Court find that the specification fails to describe the requisite structure in the "logic . . ." term of claim 1 of the '871 patent.

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